

REMARKS

Claims 1-17 and 30-32 are pending in the application.

~~Claims 1-17 and 30-32 have been withdrawn.~~

Claim 9 has been amended solely to clarify the claimed invention.

I. EXAMINER INTERVIEW

Applicant thanks the Examiner for holding the in-person interview with the Applicant's representatives, Mr. Peter Lando and Mr. Terry Daglow, on October 13, 2004.

II. REJECTION UNDER 35 U.S.C. § 102

Claims 9-17 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action argues that there is no support for the limitation in independent Claim 9 reciting "the band welded to the distal end" being outside the welded region. The rejection is respectfully traversed.

Applicant has amended Claim 9 to clarify that the band is welded to the "distal end of the elongated conductive element outside the welding region." See, Claim 9, as amended. Support for may be found in the Specification at page 8, lines 13-16, and Figure 4

Accordingly, the Applicant respectfully requests withdrawal of the § 112 rejection of Claims 9-17.

III. REJECTION UNDER 35 U.S.C. § 102

Claims 1-3, 5-8 and 30-31 were rejected under 35 U.S.C. § 102(b) as being anticipated by

~~Winkler (US 5,117,202). This rejection is respectfully traversed.~~

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

The Office Action argues that it is inherent that the sensitive interface of the supported and unsupported band would be fortified with a weld. See, Office Action, page 4. As pointed out during the in-person interview, Winkler teaches resistance welding the electrode 53 to the ribbon shank 51b. This welding process requires a firm surface (i.e., the shank area 51b) and hard area surface to create a resistive weld, hence this weld is not at the welding region. Thus, because the “ribbon ends 51a and 51c and the ring electrode 53 are typically spaced apart, electrical contact between ribbon 51 and ring electrode being effected through ribbon shank 51b,” the Winkler weld is not at the welding region. See, Winkler, Col. 7, lines 54-57; Figure 7. This is further confirmed by Winkler’s teaching of an exemplary resistive welder available under the trade name Thin Line Welder (from Unitek Equipment Inc.). Attached is a datasheet

(8 pages) of Unitek's Thin Line Welder. Therefore, Winkler does not disclose a band welded to the conductive pad at the welding region.

~~Accordingly, the Applicant respectfully requests the Examiner withdraw the § 103(a) rejection of Claims 1-3, 5-8 and 30-31.<sup>1</sup>~~

IV. REJECTION UNDER 35 U.S.C. § 103

Claims 9-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Winkler (US 5,417,208) in view of Baudino, et al. (US 5,458,629). The rejection is respectfully traversed.

The Office Action argues that Winkler discloses the claimed invention except for the band welded outside the welding region, but that Baudino teaches welds of the distal end outside the welding region. See, Office Action, page 8. As discussed during the in-person interview, Baudino fails to teach that the band is welded to the distal end of the elongated conductive element outside the welding region. See, Claim 9, as amended. Therefore, the Winkler-Baudino combination fails to disclose, teach or suggest the Applicant's claimed invention.

Accordingly, the Applicant respectfully requests withdrawal of the § 103(a) rejection of Claims 9-17.<sup>2</sup>

---

<sup>1</sup> Dependent Claims 4 and 32 (inadvertently identified as "23") were also rejected under Section 103 over Winkler. For the same reasons already identified, these dependent claims are patentable over Winkler.

<sup>2</sup> Dependent Claim 13 was also rejected under Section 103 over Winkler. For the same reasons already identified, this dependent claim is patentable over Winkler (or combination of Winkler and Baudino).

V. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the

~~Application are in condition for allowance, and respectfully requests an early allowance of such~~

Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at [rmccutcheon@davismunck.com](mailto:rmccutcheon@davismunck.com).

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: \_\_\_\_\_

  
\_\_\_\_\_  
Robert D. McCutcheon  
Registration No. 38,717

P.O. Drawer 800889  
Dallas, Texas 75380  
(972) 628-3632 (direct dial)  
(972) 628-3600 (main number)  
(972) 628-3616 (fax)  
E-mail: [rmccutcheon@davismunck.com](mailto:rmccutcheon@davismunck.com)